

REMARKS

The Office Action of October 12, 2005 has been studied in detail along with the references applied and cited by the Examiner. In response, certain claims have been amended (claims 1, 3, 4, 5, 7, 14, 26, and 28) and other claims canceled (claims 2, 25, and 27). The pending claims should be read in conjunction with the accompanying arguments in support of patentability. Further examination and consideration of the application as amended are respectfully requested.

THE OFFICE ACTION

Claims 1-16 and 25-33 are pending in the application.

Claims 6 and 11-13 have been withdrawn from consideration.

Claims 7-10, 14, 16, 25, 27, 28, 32, and 33 stand rejected under 35 U.S.C. §102(b) as being anticipated by Remius (WO 93/19448).

Claims 1-3, 5, 15, 26, 29, and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Remius in view of Smith (US pat. No. 6,142,332).

Claim 4 was determined to include allowable subject matter.

REJECTIONS UNDER 35 U.S.C. §102(b)

The Examiner rejected claims 7-10, 14, 16, 25, 27, 28, 32, and 33 under 35 U.S.C. §102(b) as being anticipated by Remius (WO 93/19448). Independent claim 7 has been amended and now recites a back wall, a first connecting arm, and a second connecting arm, said first arm having a first end connected to said channel member and a second end connected to said back wall, said second arm having a first end connected to said channel member and a second end connected to said back

wall; and, wherein said clip member is located on a first side of said back wall and said first and second connecting arms are located on a second side of said back wall.

Independent claim 14 has been amended and now recites said clip further comprises a first leg and a second leg, said first leg includes a first segment projecting rearwardly from a rear side of a back wall of said connector and a second segment extending upwardly toward a top wall of said connector; said second leg includes a first segment projecting rearwardly from said rear side of said back wall and a second segment extending upwardly toward said top wall; and, wherein said first leg and said second leg define an upwardly open slot.

Independent claim 28 has been amended and now recites said clip member comprises a first leg for contacting a first side of the projecting portion of the associated retail shelf, said first leg includes a first segment projecting rearwardly and a second segment extending upwardly from said first segment; and a second leg for contacting a second side of the same projecting portion of the associated retail shelf, said second leg includes a first segment projecting rearwardly and a second segment extending upwardly from said first segment, wherein said first and second legs cooperate to define an upwardly open slot including a relatively narrow open end and a relatively wider closed end.

Remius does not disclose a clip member located on a first side of a back wall and first and second connecting arms located on a second side of the back wall, wherein the connecting arms each have one end connected to the channel member and another end connected to the back wall, as recited in Applicant's claim 7.

Independent claim 14 recites a clip member adapted to receive and retain therein a projecting portion of a mounting wall of an associated retail shelf wherein said clip member comprises a first

leg and a second leg, the first leg includes a first segment projecting rearwardly and a second segment extending upwardly toward a top wall of the connector. The second leg includes a first segment projecting rearwardly from the rear side of the back wall and a second segment extending upwardly toward the top wall, wherein the first and second legs define an upwardly open slot. Independent claim 28 recites a clip member having first and second legs cooperating to define an upwardly open slot with a relatively narrow open end and a relatively wider closed end.

Remius does not disclose a clip member with an upwardly open slot. Further, Remius does not disclose an upwardly open slot having a relatively narrow open end and relatively wider closed end. Remius have not anticipate nor make obvious the above described structure of Applicant's holder for an electronic price label as recited in the amended independent claims 7, 14, and 28. Applicant requests reconsideration and withdrawal of the §102 rejection of independent claims 7, 14, and 28, and all claims dependent therefrom.

REJECTIONS UNDER 35 U.S.C. §103(a)

The Examiner next rejected claims 1-3, 5, 15, 26, 29, and 31 under 35 U.S.C. §103(a) as being unpatentable over Remius in view of Smith (US pat. No, 6,142,332).

The Examiner opined that Smith teaches a document holder 56 and 47, with a nib at the distal end. Smith discloses “. . . a third feature 56 on the rear face extending by a first distance, the third feature joining the rear face at a position spaced form the bottom of the rear face by substantially the first distance, the third feature substantially parallel with the rear face and defining a slot therebetween . . . “ (column 7, lines 54-59). At best Smith describes a slot formed

between a feature that extends outwardly and downwardly from a rear face of rail body 77 and the rail body itself.

In contrast, Applicant's holder includes a clip member having a resilient finger projecting from an end of the clip for contacting a nib projecting from a rear face of the base wall. The contact between the finger and nib forms a selectively closed slot between the clip and channel for selectively securing a document.

In addition, amended claim 1 recites a connector mounted to a back face of said channel member, said connector including a clip member adapted to receive and retain therein a projecting portion of an associated retail shelf, said clip member comprising a first leg and a second leg, said first leg includes a first segment projecting towards said second leg and a second segment extending away from said second leg, said second leg includes a first segment projecting away from said channel member base wall and a second segment, and, said first leg and said second leg cooperating to define an upwardly open slot including a relatively narrow open end and a relatively wider closed end.

Further, independent claims 14 and 28 have been amended as described above. The clip member having first and second legs, including first and second segments, respectively, forming an upwardly open slot for receiving a projecting portion of a retail shelf is not anticipated nor made obvious by Remius or Smith, either singly or in combination.

Combining Remius with Smith would not result in the aforementioned structure.

Consequently, independent claims 1, 14, and 28, and all claims dependent therefrom, are not taught nor made obvious by Remius in view of Smith. Thus, all the pending claims are patentable over the applied combination of references.

ALLOWABLE SUBJECT MATTER

Claim 4 was rewritten in independent form including the limitations of the base claim (except the limitation of a base wall including a front face having a strip of resilient material projecting outwardly therefrom), and intervening claims. Applicant submits that claim 4 is now allowable as written. Dependent claim 26 has been amended and is now dependent upon claim 4.

CONCLUSION

Each issue raised in the Office Action dated October 12, 2005 has been addressed. Applicant believes all remaining claims are in condition for allowance, and respectfully requests notice thereof. Applicant's attorney can be reached at the telephone below if any further information is needed.

Respectfully submitted,

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